

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

109 HNY
Ph2

27128

FILE: B-211868.2**DATE:** December 28, 1983**MATTER OF:** Service & Sales, Inc.**DIGEST:**

Prior decision holding that non-exclusive licensee is not an interested party to protest alleged government misuse of proprietary data is affirmed where protester has not demonstrated error of fact or law.

Service & Sales, Inc. (SSI), a non-exclusive licensee of Garrett Corporation, requests that we reconsider our decision, Service & Sales, Inc., B-211868, October 20, 1983, 83-2 CPD _____. In that decision, we found SSI not to be an "interested party" within the meaning of our Bid Protest Procedures, 4 C.F.R. § 21.1(a) (1983), with respect to the question of whether the Defense Logistics Agency (DLA), by issuing request for proposals (RFP) No. DLA700-83-R-0781, had improperly disclosed proprietary vendor information--an approved source list--which SSI had confidentially submitted to DLA with appropriate restrictive legends. In essence, we stated that Garrett, an offeror and the owner of the technical data, was a party of greater interest with respect to this issue, and that SSI, as a mere non-exclusive licensee, was thus too remote from the cause to maintain the protest. SSI now challenges our determination that it is not an interested party.

We affirm our decision.

SSI notes that our Office has in the past considered protests involving government misuse of proprietary data in order to protect a bidder's legitimate interest in its technical data, citing Data General Corporation, B-185897, April 28, 1976, 76-1 CPD 287. SSI then states that it did not undertake its protest as a representative of Garrett, but filed the protest in its own right with a direct interest in the outcome since disclosure of the data by the agency impacts on the value of its license. SSI further states that, as an offeror, it had a direct relationship to the procurement and was always eligible for award.

123151
027522